



737 Bishop Street
Suite 1900
Honolulu, HI 96813

Via ECFS

November 28, 2005

Marlene H. Dortch
Office of the Secretary
Federal Communication Commission
445 12th Street SW
Washington, DC 20554

Re: WC DOCKET NO. 05-196 – **PACIFIC LIGHTNET, INC. COMPLIANCE LETTER**

Dear Ms. Dortch:

Pursuant to Commission Rule 9.5(f) and the Enforcement Bureau's November 7, 2005 Public Notice (DA 05-2945), Pacific LightNet, Inc. (PLNI) hereby submits the following Compliance Letter detailing its compliance with the 911 requirements of the FCC's *VoIP E911 Order*.¹

I. 911 Solution. PLNI provides 911 service in compliance with the rules established in the *VoIP E911 Order* to approximately 95% of its subscribers. PLNI markets its VoIP services exclusively within the state of Hawaii, and provides compliant 911 service to 100% of its subscribers with Registered Locations within the state of Hawaii. As further described below, PLNI is not currently able to support 911 service in states other than Hawaii, though a small number of its existing customers currently have Registered Locations outside Hawaii.

A. 911 Routing Information / Connectivity to Wireline E911 Network.

Within the state of Hawaii, PLNI is transmitting all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized.

The state of Hawaii has one Selective Router, to which PLNI is interconnected via the incumbent LEC, Hawaiian Telcom. As mandated by Hawaiian Telcom, PLNI routes the 911 call to the on-island tandem corresponding to the service address. For example, if the customer is physically located on Oahu and has a Big Island number (ANI), PLNI will route the call to the Oahu Tandem. From the on-island tandem, Hawaiian Telcom routes the call to the Selective Router in Oahu. The Selective Router queries the registered location using the ANI, cross-references the address to the MSAG, and routes the call to the PSAP associated with the address.

PLNI has not achieved interconnection with all Selective Routers throughout the entire country, as PLNI only markets its VoIP service within the state of Hawaii. PLNI has investigated methods of achieving nationwide interconnection, but none of these methods are economically feasible given PLNI's limited VoIP subscriber base.

¹ *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 2005 WL 1323217, FCC, (rel. Jun 3, 2005).

B. Transmission of ANI and Registered Location Information.

Within the state of Hawaii, PLNI is transmitting via the Wireline E911 Network the 911 caller's ANI and Registered Location to all answering points capable of receiving and processing this information.

100% of the PSAPs in Hawaii are capable of receiving and processing ANI and Registered Location information.

As described in Section I(A) above, PLNI's connection to the Selective Router is made through Hawaiian Telcom. Consequently, PLNI passes the ANI and Registered Location to Hawaiian Telcom, which then passes the same information to the PSAP. PLNI transmits the ANI and Registered Location of 100% of its subscribers to Hawaiian Telcom. PLNI transmits the subscriber's Registered Location, and all updates thereto, to the Verizon/Hawaiian Telcom PS/ALI gateway, and then receives confirmation of the updated information the following business day.

C. 911 Coverage.

PLNI is in full compliance with the *VoIP E911 Order* in Hawaii. PLNI has no Selective Router connections outside the state of Hawaii. PLNI is continuing to investigate alternatives for achieving a nationwide 911 solution, but is unable to identify a specific timeframe within which a cost-effective solution may become available through a third-party vendor or otherwise.²

PLNI does not market its VoIP service in areas where it does not provide 911 service in compliance with the *VoIP E911 Order*, and will continue to refrain from doing so.

Requests for service outside of PLNI's 911-compliant service area will be denied. PLNI is committed to suspending or terminating service of any subscriber that updates its Registered Location with an address outside of Hawaii, should the Commission require such action

As for the few existing customers with Registered Locations outside Hawaii for whom PLNI is unable to provide 911 capabilities by November 28, PLNI will grandfather those existing customers so that they can continue to use their service from their registered primary location (and nomadically in Hawaii, where PLNI is able to provide 911 service) while PLNI works to expand its 911-capable service area.³ By December 2, 2005, PLNI will send a letter and e-mail notice to all grandfathered customers reminding them that PLNI is not currently able to offer 911 services at their Registered Location.

PLNI will provide an update to the Commission with respect to the 911 status of the grandfathered customers within 90 days of the date of this Compliance Letter.

² By way of example, PLNI received and is considering a vendor quote for a "nationwide" mobility solution that would greatly improve PLNI's 911 coverage but would still not guarantee 100% coverage across the country, for a non-recurring cost of \$21,000 and a minimum monthly recurring cost of \$7,500. This type of solution is prohibitively expensive and puts a significant burden on small carriers like PLNI.

³ In its November 7, 2005 Public Notice (DA05-2945), the Enforcement Bureau stated "[a]lthough we do not require providers that have not achieved full 911 compliance by November 28, 2005, to discontinue the provision of interconnected VoIP service to any existing customers, we do expect that such providers will discontinue marketing VoIP service, and accepting new customer for their service, in all areas where they are not transmitting 911 calls to the appropriate PSAP in full compliance with the Commission's rules.

II. Obtaining Initial Registered Location Information.

Since the inception of the VoIP service in October of 2004, Registered Location information was obtained as part of the initial sign-up process with all new subscribers, excluding accounts used for testing the service. For existing subscribers, updated Registered Location was obtained as part of the Affirmative Acknowledgments required by the *VoIP E911 Order*. As such, and consistent with PLNI's previous Subscriber Acknowledgement Reports filed with the Commission on August 10, September 1 and September 22, 2005, PLNI obtained updated Registered Location information from 92% of its subscribers by September 28, 2005 and, on September 28, 2005, disconnected all remaining subscribers who had failed to return Affirmative Acknowledgments. As of November 28, 2005, PLNI has obtained Registered Location information for 100% of its subscribers.

III. Obtaining Updated Registered Location Information.

PLNI's VoIP subscribers may update their Registered Location by calling PLNI's Customer Service Center (using any telephone, including the same equipment they use to access their interconnected VoIP service) or by entering the new Registered Location information directly into PLNI's VoIP service management page online.

IV. Technical Solution for Nomadic Subscribers.

PLNI has been unable to identify an automatic detection mechanism similar to those used by AT&T, MCI and Verizon, that PLNI could obtain or develop on an economically feasible basis.⁴ The limited and relatively isolated nature of PLNI's Hawaii VoIP subscriber base makes currently-available technical solutions impracticable, as PLNI would not likely recoup its expenditures over a commercially reasonable timeframe, if at all. PLNI will continue to seek out and evaluate alternatives to provide an effective 911 solution for nomadic subscribers, but is unable to identify a specific timeframe within which such a solution may be available.

PLNI includes a specific warning on its website, new service application, customer agreement, and sticker that is applied to each service device, stating in clear and concise language that (i) customers must inform PLNI of the physical address at which they use the VoIP service; (ii) PLNI does not provide 911 service outside the state of Hawaii, and (iii) subscribers are strongly encouraged to ensure that alternate means of calling 911 (such as a landline telephone) are available if they attempt to use their VoIP service outside the state of Hawaii.

Finally, PLNI is committed to suspending or terminating service of any nomadic subscriber that updates its Registered Location with an address outside of Hawaii, should the Commission require such action. Moreover, PLNI does not market its VoIP service in areas where it does not provide 911 service in compliance with the *VoIP E911 Order*, and will continue to refrain from doing so.

If you have any questions concerning this Compliance Letter, please feel free to contact me at (808) 791-3068.

⁴ PLNI notes that the *VoIP E911 Order* does not contain a requirement that VoIP providers offer an automatic detection mechanism to determine when a subscriber has moved its equipment to a new location. *Order* at ¶ 46 and n. 146.

Sincerely,

Michael Frane
Director of Strategic Business Operations